

DUI OFFENSES OUTLINE

[55-10-403]

IMPLIED CONSENT - Refusal to Submit to Blood Alcohol (BAC) [55-10-406]

- Revocation of Drivers License for 1 year-1st offense
 - Revocation of Drivers License for 2 years-2nd offense
 - Revocation of Drivers License for 2 years if crash resulted in bodily injury (Most Aggravated Drunk Driving Law)
 - Revocation of Drivers License for 5 years if crash resulted in a death (Most Aggravated Drunk Driving Law).
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1ST TIME DUI OFFENDER - .08 (BAC) [55-10-401] [55-10-403]

- 48 hours to 11 months, 29 days of jail for offenders under the age of 21.
 - 24 hours to 11 months, 29 days of jail for offenders 21 and over
 - .20 BAC or greater minimum jail time 7 consecutive days
 - License revocation for 1 year
 - You will be ordered to participate in a DUI school
 - Pay restitution to any person suffering physical injury or personal loss
 - \$350-\$1,500 Fine
 - With towing, bail, attorney, high risk insurance, court costs, school, and reinstatement fees, your first offense average costs could add up to \$4,900.
 - Judge can order you to install a vehicle Ignition Interlock Device at your expense. Minimum 1st year cost \$810 [55-10-412d]
 - If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense.
 - Drug and Alcohol Treatment may be required at the judge's discretion.
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2ND TIME DUI OFFENDER

- 45 days to 11 months, 29 days of jail
 - \$600-\$3,500 mandatory fine
 - License revocation for 2 years/Restricted License available after first year
 - Subject to .08 BAC
 - Subject to vehicle seizure/forfeiture
 - You will be ordered to attend a DUI school
 - The judge can order you to install a vehicle Ignition Interlock Device at your expense.
 - If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense.
 - Pay restitution to any person suffering personal injury or loss
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3RD TIME DUI OFFENDER

- 120 days to 11 months, 29 days in jail
 - \$1,100 to \$10,000 mandatory fines
 - License revocation for 3-10 years/NO restricted license available
 - Subject to .08 BAC
 - Subject to vehicle seizure/forfeit
 - DUI school
 - Judge could order an Ignition Interlock Device installed at your expense
 - If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense.
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4TH AND SUBSEQUENT DUI OFFENDER

- Class E Felony
- 1 Year (365) days of jail time with a minimum of 150 consecutive days served
- \$3,000 to \$15,000 mandatory fine
- License revocation for 5 years/NO restricted license available
- Subject to vehicle seizure/forfeit
- DUI school
- Judge could order an Ignition Interlock Device installed at your expense
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense.

VEHICULAR ASSAULT - Serious injury to another person by a DUI driver.

- Class D Felony [39-13-106]
- License revocation from 1 to 5 years according to prior offenses
- Jail time 2 to 12 years according to range [40-35-112]
- Plus fines and court costs

CHILD ENDANGERMENT - DUI with passenger under 13 years old

- Class D felony if child suffers serious injury
[55-10-414] [40-35-112]
- 2 to 4 years jail time
- Class C Felony if child death involved
- 3 to 6 years jail time
- License revocation

VEHICULAR HOMICIDE

- Class B Felony [39-13-213] [40-35-112]
- Fatal crash caused by DUI with .08 BAC or more
- License revocation for 3-10 years/NO restricted license available

AGGRAVATED VEHICULAR HOMICIDE - (while driving intoxicated)

- Class A Felony [39-13-218] [40-35-112]
- If any of the following conditions are present: Two or more prior (a) DUI conviction, (b) Vehicular assault convictions or, (c) any combination
- One prior Vehicular Homicide
- A BAC of .20 or greater at the time of the vehicular homicide has (1) one prior DUI or Vehicular Assault offense.